

UNITED STATES DISTRICT COURT
 for the
Eastern District of Michigan

United States of America

v.

Damon BURKE

Case: 2:21-mj-30157
 Case No. Judge: Unassigned,
 Filed: 04-02-2021 At 10:54 PM
 USA v. SEALED MATTER(CMP)(MLW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 26, 2021 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 1201(d)	Attempted Kidnapping

This criminal complaint is based on these facts:

See attached AFFIDAVIT.

Continued on the attached sheet.

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: April 2, 2021

City and state: Detroit, Michigan


John Cozzi, Task Force Officer (FBI)
 Complainant's signature
 Printed name and title


Hon. Anthony P. Patti, United States Magistrate Judge
 Judge's signature
 Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

INTRODUCTION

1. I am a Task Force Officer with the Federal Bureau of Investigation (“FBI”) and have been since January 2020. I am currently assigned to the FBI Detroit Division’s Violent Crime Task Force (“VCTF”). Prior to my assignment at the FBI, I was assigned to the patrol division for approximately three years with the Northville Township Police Department in Northville, MI. I have conducted or assisted in numerous investigations of federal and state violations, including crimes of violence, firearms, and drug trafficking. I have gained experience through training and everyday work related to these types of investigations.

2. The information set forth in this affidavit is based on my review of information from other law enforcement agents and investigators, witnesses, and individuals with knowledge of this matter; my investigation; my review of documents, photographs, and videos; and information gained through my training and experience. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that Damon BURKE violated 18 U.S.C. § 1201 (kidnapping and attempt to commit the same).

PROBABLE CAUSE

3. The FBI is investigating Damon BURKE (D.O.B. XX/XX/1972) for suspected violations of 18 U.S.C. § 1201(d) (attempted kidnapping). A person violates 18 U.S.C. § 1201 when he or she travels interstate and kidnaps, or attempts to kidnap, another person.

4. On March, 26, 2021, Northville Township Police responded to Bushwood Golf Course behind George's Senate Restaurant (39467 Dun Rovin Dr) for an assault that had just taken place and left an elderly man badly beaten and bleeding who was now being carried into the pro shop of the golf course.

5. Officers arrived on scene and located the victim of the attack, Adult Victim 1 ("AV-1"), inside the office of the building. AV-1 was sitting in an office chair with "severe injuries" to his face and head, including of a laceration to his right eye and bleeding from both ears. Officers conducted a short interview prior to Northville Fire Department intervening to get AV-1 to a hospital very quickly due to the severity of his injuries.

6. AV-1 told police that his attacker was a mixed race male with tied back hair who would be driving a black Mercedes with a white license plate with red lettering (later determined to be Massachusetts plate) or AV-1's 2007 Saturn Vue. AV-1 also stated that he believed his attacker was now heading to AV-1's residence (located in West Bloomfield, MI) to hurt his roommate, Adult Victim 2

(“AV-2”). This information, along with vehicle and suspect description was relayed to West Bloomfield police immediately by Northville dispatchers and West Bloomfield Police dispatched units to the location.

7. Northville Township Police Officer Hernandez followed the fire department to St. Mary’s Hospital (Livonia, MI) where AV-1 was treated for his injuries. While at the hospital, AV-1 advised Officer Hernandez that the suspect, later identified as Damon BURKE, was parked outside of AV-1’s residence the previous day (March 25, 2021). BURKE approached AV-1 at the front door and identified himself as “David Moses” and stated that he was an old friend of AV-2’s. BURKE asked if AV-2 was home and told AV-1 that he had an heirloom from a grandparent that he wanted to give her. AV-1 told BURKE that AV-2 was not home and that she would be home the following day (March 26, 2021). AV-1 provided BURKE with his cell phone number and place of employment (Bushwood Golf Course) during the interaction. On the day of the attack (March 26, 2021) BURKE appeared at AV-1’s place of employment and the two of them walked the course and talked. AV-1 described the conversation and interaction to police as friendly to the point that AV-1 provided BURKE with a free meal certificate to the restaurant.

8. During the walk, AV-1 walked into the maintenance shed and was attacked by BURKE from behind with no provocation. AV-1 had a firearm on his

person at the time of the attack but was unable to defend himself due to the unrelenting and overpowering blows from BURKE. AV-1 was unable to recall the number of times he was struck or any weapons used. After the attack, BURKE stole AV-1's keys from his person which had a key to the house on the key ring. BURKE did not take anything else from AV-1, despite the fact that AV-1 had a firearm, a wallet, and a cell phone on him at the time.

9. While Northville Township Officer Hernandez followed Fire personnel to the hospital to finish his interview with AV-1, Officers Norlock and Beamish located the scene of the attack inside the maintenance shed. At the scene, Officers discovered large amounts of pooled blood, blood splatter, and blood smears, all of which were consistent with an attack with a weapon. Officer Norlock also reviewed video footage surveillance footage which did not capture the assault but captured a dark-skinned male with his hair pulled into a bun, wearing a blue shirt, vest style jacket, and blue jeans inside the club house. The video frame captured AV-1 riding away from the club house on his lawn mower and being followed shortly after by the previously described subject.

10. West Bloomfield Police at AV-1's residence prior to BURKE arriving. Officers staged in the area to await BURKE's return and located the black Mercedes bearing Massachusetts license plate of 1WPH33 pull onto the street of the residence from another road. Officers conducted a traffic stop of BURKE at

Greenbriar Dr and Tequesta Dr (0.2 miles from their residence). BURKE admitted to being in Northville and at the golf course but denied any involvement in a physical altercation. BURKE advised West Bloomfield Police that he had driven there from Massachusetts recently in order to “rekindle an old relationship.” BURKE also admitted that he was supposed to meet AV-1 who lived with AV-2 in order to give him a ring for AV-2. West Bloomfield Police captured a photograph of BURKE which was sent to Northville Police through law enforcement channels and Officer Norlock (Northville Police) confirmed that the subject in the surveillance video was the same subject in the photograph. At this point, BURKE was arrested by West Bloomfield Police for the assault of AV-1. A black Google Pixel smartphone was discovered on BURKE’s person at this time.

11. West Bloomfield Police ordered a tow truck to impound the Mercedes that was driven by BURKE. As Officers performed and inventory search of the vehicle, they discovered two (2) sets of brass knuckles, a set of handcuffs, zip-ties, a stun gun, roll of duct tape, night vision scope, binoculars, and a bag containing gloves, broken glasses, and a heavy SAP, all of which were wet with blood. All items were placed back in the vehicle where the collecting officer located them so Northville Police could obtain a search warrant for the vehicle per Northville Police instruction.

12. Northville Police took custody of BURKE based on probable cause for the assault of AV-1 and the Mercedes was towed to the Northville Township Police Department. Detective Schwartzenberger of the Northville Township Police attempted to interview BURKE after his arrest. BURKE was read his Miranda Rights and refused to speak without an attorney. BURKE also had in his possession at the time of his arrest an envelope with AV-2's first name written on the outside. Inside the envelope was a letter that read "I'll come back to you."

13. Detective Schwartzenberger of the Northville Township Police Department drafted and swore to state search warrants for the Mercedes and its contents. The search warrant was signed by Judge Lowe of the 35th District Court and was executed by Detective Schwartzenberger and Evidence Technician/Officer Beamish on March 27, 2020. Located during the search was black backpack containing a United States Passport and Social Security card belonging to BURKE, a silver HP laptop computer, and a notebook containing what appears to be a written manifesto documenting dates, courses of action, and meeting with the victim. On the rear seat was a Louis Vuitton leather bag which contained two (2) pairs of handcuffs. In the trunk of the vehicle was a black bag containing two (2) smoke Commando Smoke Grenades. Also in the trunk was a black Pelican case containing: a stun 12,000 volt stun gun, two (2) collapsible batons, a Flir infrared device, a roll of black duct tape, two (2) sets of brass knuckles, a set of staged zip-

tie handcuffs, a pair of binoculars, and a 50ft length of paracord rope. In the trunk of the vehicle was Bosch jigsaw, modified with a rubber mallet where the blade was supposed to be, night vision Wifi camera, HD digital video camera, GPS spy monitor detector, Depstech Wifi Endoscope, and a black LG smartphone. In an additional Pelican case located in the back seat of the vehicle was 13 grams of a brown powder substance suspected to be heroin, a glass jar containing suspected Psilocybin mushrooms, a mesh bag containing (20) \$50 bills and (20) \$100 bills, and a white HTC smart phone. All bills were marked with serial number B17696366 (United States Secret Service confirmed that the bills were counterfeit). In the center console of the vehicle, an EZ Pass was located along with a set of keys which were later confirmed to be the keys stolen from AV-1.

14. On March 31, 2021, affiant and Special Agent Shepard interviewed AV-2 at the West Bloomfield Police Department. AV-2 advised that she had a former dating relationship that she ended approximately 20 years ago once BURKE became violent and began using drugs. AV-2 was living in New York City at the time and advised that after the breakup, BURKE began stalking her. In the months following the breakup, BURKE would video record AV-2 while she was going about her daily tasks or while she was out with friends and send her the recordings. AV-2 was unable to escape from BURKE and filed a report with the 10th Precinct of the New York Police Department. BURKE was located by the

New York Police in a hotel room with illegal firearms, blow torch, handcuffs, duct tape, rope, and other items that would be consistent with items utilized in kidnapping. AV-2 stated that BURKE was arrested by NYPD for numerous offenses and served 8 months in prison for the firearms. AV-2 obtained a restraining order against BURKE and had not heard from him in approximately 20 years. AV-2 stated that she received text messages from AV-1 on March 25, 2021 while she was out of town stating, "call me when you get a minute." "When and what time will you be back?" AV-2 advised that she then called AV-1 and he explained to her than an old friend of her by the name of David Moses was in town that she knew him from New Hampshire 20 years ago. AV-2 told AV-1 that it was probably a fake name and that she probably did not want to see him. AV-2 stated that she did not believe AV-1 was aware of BURKE's existence or her previous relationship with him. AV-2 stated that just before arrived at her residence on March 26, 2021, she got another text message from AV-1 stating "don't come home, that guy jumped me. I have to go to the hospital, I was at Bushwood." AV-2 stated that she texted a photograph of BURKE to her neighbor, who identified him as the subject who was driving the Mercedes and was parked in front of her residence on March 25, 2021. AV-2 stated that BURKE approached her neighbor at one point, looking for AV-2, with flowers and a ring in his possession. AV-2 was already aware of the fact that the only stolen property from AV-1 was his set

of keys and when asked why she thought he took them, she stated “he was coming to get me. He was going to kill me.”

15. In reviewing a compiled criminal history for BURKE, I discovered that he was charged in New York with several felonies to include various controlled substance violations, firearms violations, unlawful imprisonment, assault with intent to injure, aggravated harassment, and misdemeanors to include stalking, hypodermic instrument, controlled substances, and more. BURKE was convicted on the felony firearm charge and was sentenced to one year in prison. These results are consistent with information described by AV-2.

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CONCLUSION

16. Based on the foregoing, there is probable cause to believe that **Damon BURKE** has violated 18 U.S.C. § 1201(d) (Attempted Kidnapping).

Respectfully submitted,


John Cozzi, Task Force Officer (FBI)

Sworn to before me and signed in my
presence and/or by reliable electronic means.


Hon. Anthony P. Patti
United States Magistrate Judge

Dated: April 2, 2021